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UNITED STATES OF AMERICA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 08 2004

at 10 o'clock and 46 min A M  
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00120-02 DAE
	)	
Plaintiff,	)	FIRST SUPERSEDING INDICTMENT
	)	[21 U.S.C. §§ 841(a)(1) and 846
vs.	)	18 U.S.C. §§ 1956(a)(1)(A)(i) and
	)	(h) and 2]
WALTER CACHO,	(01), )	
ROBERT TOMASZYCKI,	(02), )	
	)	
	)	
Defendants.	)	
	)	

FIRST SUPERSEDING INDICTMENT

Count 1

The Grand Jury charges that:

From at least on or about August 1, 2003 to on or about  
February 28, 2004, in the District of Hawaii, the defendants  
WALTER CACHO and ROBERT TOMASZYCKI did conspire together with

each other, and with other persons known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 846.

Overt Acts

In furtherance of the conspiracy and to effect the objectives of the conspiracy, the defendants performed overt acts in the District of Hawaii, including but not limited to:

1. During the year 2003, defendant WALTER CACHO provided United States currency to defendant ROBERT TOMASZYCKI in order to finance the purchase of methamphetamine;

2. On or about February 28, 2004, defendant WALTER CACHO met with defendant ROBERT TAMASZYCKI in a residence near Haleiwa, Hawaii, and obtained a quantity of methamphetamine;

3. On or about February 28, 2004, defendant WALTER CACHO transported a quantity of methamphetamine in an automobile near Haleiwa, Hawaii.

All in violation of Title 21, United States Code, Section 846.

Count 2

The Grand Jury further charges that:

On or about February 28, 2004, in the District of Hawaii, defendant WALTER CACHO did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

Count 3

The Grand Jury charges that:

From a date unknown but from at least on or about October 24, 2003 and continuing to on or about February 28, 2004, in the District of Hawaii and elsewhere, the defendant ROBERT TOMASZYCKI did unlawfully, willfully and knowingly conspire with others known and unknown to the grand jury to conduct and attempt to conduct financial transactions affecting interstate commerce knowing that the funds involved in such financial transactions represented the proceeds of some form of unlawful activity, said specified unlawful activity being the distribution of methamphetamine, its salts, isomers and salts of its isomers with the intent to promote the carrying on of the specified unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1).

Overt Acts

In furtherance of and in order to accomplish the objects of this conspiracy, the defendant and his co-conspirators performed overt acts in the District of Hawaii and elsewhere, including but not limited to the following:

1. On or about October 22, 2003, ROBERT TOMASZYCKI sent \$300 in United States currency by Western Union wire services to an individual in California;

2. On or about October 28, 2003, ROBERT TOMASZYCKI sent \$3,000 in United States currency by Western Union wire services to an individual in California;

3. On or about November 4, 2003, ROBERT TOMASZYCKI sent \$2,000 in United States currency by Western Union wire services to an individual in California;

4. On or about November 19, 2003, ROBERT TOMASZYCKI sent \$4,700 in United States currency by Western Union wire services to an individual in California;

5. On or about December 2, 2003, ROBERT TOMASZYCKI sent \$2,300 in United States currency by Western Union wire services to an individual in California;

6. On or about December 30, 2003, ROBERT TOMASZYCKI sent \$1,150 in United States currency by Western Union wire services to an individual in California;

7. On or about December 31, 2003, ROBERT TOMASZYCKI sent \$1,800 in United States currency by Western Union wire services to an individual in California;

8. On or about December 31, 2003, ROBERT TOMASZYCKI sent \$2,000 in United States currency by Western Union wire services to an individual in California;

9. On or about January 3, 2004, ROBERT TOMASZYCKI sent \$3,000 in United States currency by Western Union wire services to an individual in California;

10. On or about January 13, 2004, ROBERT TOMASZYCKI sent \$1,500 in United States currency by Western Union wire services to an individual in California;

11. On or about January 14, 2004, ROBERT TOMASZYCKI sent \$1,500 in United States currency by Western Union wire services to an individual in California;

12. On or about January 15, 2004, ROBERT TOMASZYCKI sent \$3,000 in United States currency by Western Union wire services to an individual in California;

13. On or about January 20, 2004, ROBERT TOMASZYCKI sent \$1,900 in United States currency by Western Union wire services to an individual in California;

14. On or about January 26, 2004, ROBERT TOMASZYCKI sent \$3,000 in United States currency by Western Union wire services to an individual in California;

15. On or about January 28, 2004, ROBERT TOMASZYCKI sent \$2,000 in United States currency by Western Union wire services to an individual in California;

16. On or about January 28, 2004, ROBERT TOMASZYCKI sent \$2,500 in United States currency by Western Union wire services to an individual in California;

17. On or about February 18, 2004, ROBERT TOMASZYCKI sent \$3,000 in United States currency by Western Union wire services to an individual in California.

All in violation of Title 18, United States Code, Section 1956(h).

Count 4

The Grand Jury further charges that:

On or about October 22, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$300 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of

specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$300 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 5

The Grand Jury further charges that:

On or about October 28, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$3,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of

\$3,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 6

The Grand Jury further charges that:

On or about November 4, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$2,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$2,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.



Count 7

The Grand Jury further charges that:

On or about November 19, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$1,700 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$1,700 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 8

The Grand Jury further charges that:

On or about December 2, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting

interstate and foreign commerce, to wit, the Western Union wire transfer of \$2,300 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$2,300 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 8

The Grand Jury further charges that:

On or about December 30, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$1,150 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of

specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$1,150 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 10

On or about December 31, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$2,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of

\$2,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 11

The Grand Jury further charges that:

On or about December 31, 2003, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$1,800 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$1,800 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 12

The Grand Jury further charges that:

On or about January 3, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$3,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$3,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 13

The Grand Jury further charges that:

On or about January 13, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting

interstate and foreign commerce, to wit, the Western Union wire transfer of \$1,500 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$1,500 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 14

The Grand Jury further charges that:

On or about January 14, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$1,500 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of

specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$1,500 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 15

The Grand Jury further charges that:

On or about January 15, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$3,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of

\$3,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 16

The Grand Jury further charges that:

On or about January 20, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$1,900 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$1,900 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.



Count 17

On or about January 26, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$3,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$3,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 18

The Grand Jury further charges that:

On or about January 28, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire

transfer of \$2,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$2,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a) (1) (A) (i) and 2.

Count 19

The Grand Jury further charges that:

On or about January 28, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$2,500 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of

methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$2,500 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and 2.

Count 20

On or about February 18, 2004, in the District of Hawaii, defendant ROBERT TOMASZYCKI did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the Western Union wire transfer of \$3,000 in United States currency, which involved the proceeds of a specified unlawful activity, that is, the distribution of methamphetamine, its salts, isomers and salts of its isomers, with the intent to promote the carrying on of specified unlawful activity, to wit: the distribution of methamphetamine, its salts, isomers and salts of its isomers and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is, monetary instruments in the amount of \$3,000 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code,  
Section 1956(a)(1)(A)(i) and 2.

DATE: June 8, 2004, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

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